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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,151	09/07/2004	Tomoyuki Shudo	450100-04899	4086
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151			EXAMINER EDWARDS, ANTHONY Q	
			ART UNIT 2835	PAPER NUMBER
			MAIL DATE 12/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/507,151

Applicant(s)

SHUDO ET AL.

Examiner

Anthony Q. Edwards

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 7, 2007 has been entered.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 and 14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. US2001/0004269 to Shibata. Referring to claim 12, Shibata discloses a portable electronic device (see Fig. 1) comprising a first body (10) through which a first rotational axis (31) extends, a second body (20/30) connected to the first body (10) at the point on the first body through which the first rotational axis (31) extends, said second body including a first (30) and second portion (20) and further comprising a second rotational axis (32), wherein the second portion (20) of said second body is rotatable, separate from the first portion (30), about the second rotational axis (32) through an arc of at least 180 degrees, and wherein said entire second body (20/30) is rotatable about the first axis (31) through an arc of at least 90 degrees away from the first body, wherein the first body (10) has a depression implicitly

formed therein, the depression (not numbered) adapted to support at least one button (17) such that the at least one button does not protrude from the first body (10) and such that the at least one button is covered by the second body (20/30) upon rotation of the second body approximately 0 degree around the first axis and such that the at least one button is used to change or select information displayed on a display panel (see Figs. 4, 5 and 9), wherein the second body (20/30) is temporarily tightened upon rotation of the second body approximately 90 degrees around the first axis (see paragraph 0214).

Referring to claim 14, Shibata discloses the device as claimed, wherein the first and second axes are perpendicular to each other. See Fig.1.

Referring to claim 15, Shibata discloses the device as claimed, wherein one of the first (10) or second (20/30) bodies includes a display (21). See Fig. 1.

Referring to claim 16, Shibata discloses the device as claimed, wherein one of the first or second bodies includes a key pad. See Fig. 9.

Referring to claim 17, Shibata discloses the device as claimed, wherein one of the first or second bodies includes a track pad. See Fig. 11 and paragraph 0162-0163.

Referring to claim 18, Shibata discloses the device as claimed, wherein one of the first or second bodies is configured to receive a memory card. See paragraph 0227.

Referring to claim 19, Shibata discloses the device as claimed, wherein the second rotational axis (32) is interlocked with a power switch of the portable electronic device, and the power switch is turned on when the second portion of the second body rotates more than a predetermined angle. See Fig. 14 and paragraphs 0142-0144.

Referring to claim 20, Shibata discloses the device as claimed, wherein the device is a cellular telephone. See paragraphs 0032-0037.

Referring to claim 21, Shibata discloses the device as claimed, wherein the device is a portable dictionary. See paragraph 0067.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over NEC Corp. (JP 2000-196720 A, hereon NEC '720) in view of U.S. Patent No. 5,485,517 to Gray. Referring to claim 1, NEC '720 discloses a portable display apparatus comprising a main body (6) substantially in the form of a rectangular solid and having a main surface (5), and a cover (3) that has one surface (2) facing the main body and having substantially the same dimensions as those of the main surface of the main body, wherein the cover (3) has a support portion (22) and a display portion (20) arranged along a longitudinal direction thereof, and the support portion (22) is coupled to the main body (5) at a position apart from the center along the longitudinal direction thereof through a first axis (8) that is perpendicular to the main surface of the main body, and pivotable around the first axis on the main surface of the main body, and the display portion (20) has arranged thereon a display panel facing the main body, and is coupled to the support portion through a second axis (7) that is perpendicular to the

first axis, and pivotable around the second axis, wherein upon rotation of the support portion (22) approximately 90 degrees around the first axis, the display portion is rotatable separate from the support portion approximately 180 degrees around the second axis. NEC '720 also inherently teaches a "depression formed therein, the depression adapted to support at least one button (21) such that the at least one button does not protrude from the main body (5) and such that the at least one button (21) is covered by the cover (3) when the cover is in a closed position," as shown in Figs. 1 and 4. The functional recitation that the button is "used to change or select information displayed on the display panel" is not given patentable weight. See Figs. 1-4.

NEC '720 does not specifically teach the cover temporarily tightened upon rotation of the cover approximately 90 degrees around the first axis. Gray teaches a wireless telephone having swivel chassis (see Fig. 2) with a locking mechanism to lock the chassis sections against relative rotation at both the open and closed positions. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the NEC '720 device to include a locking mechanism to lock the main body and cover sections against relative rotation at both the open and closed positions, as taught by Gray, since the device of Gray would allow for pivotal collapsing and opening at various angles for the NEC '720 device.

Referring to claim 2, NEC '720 discloses a portable display apparatus as substantially claimed, except for the display panel having its aspect ratio set to be 16:9, and the longitudinal direction of the display panel corresponds to the longitudinal direction of the main body before being pivoted. It is noted; however, that AAPA

(Applicant Admitted Prior Art) as set forth in page 2, starting at line 11, teaches a display of dimension 16:9, and being aligned in either direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of NEC'720 in view of Gray with the display taught by AAPA for better visual use of the display.

Referring to claim 8, NEC '720 discloses a portable display apparatus as claimed, wherein the second axis (7) is arranged at one side of the cover (3) corresponding to the pivot direction around the first axis. See Fig. 2.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over NEC '720 in view of Gray, and further in view of Toshiba Corp. (JP 10-312334 A, hereon Toshiba). Referring to claims 3-5, NEC '720 as modified discloses the device as substantially claimed, except for the display panel displays data stored in a semiconductor storage medium which is a detachable memory card and is able to be inserted into an insertion slot formed at one end of the main body. Toshiba teaches a display panel (11) that displays data stored in a semiconductor storage medium (3) that is capable of being inserted into an insertion slot (18) formed at one end of a main body (1b). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of NEC'720 in view of Gray with the semiconductor storage medium taught by Toshiba to increase amount of storage space for the device.

Claims 6, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over NEC '720 in view of Gray, and further in view of U.S. Patent No. 6,850,784 to

SanGiovanni. NEC '720 as modified discloses the device as substantially claimed, except for one end of the main body along the longitudinal direction coupled to the support portion and corresponding one end of the support portion are formed into a round shape, and the first axis is located at substantially the center of the rounded portion, and the end of the rounded portion of the support portion has arranged thereon an operation unit that controls displaying data on the display panel. SanGiovanni teaches a display apparatus (100, fig. 1) comprising a main body (104) having one end (to the right of 104 in fig. 1) along a longitudinal direction coupled to a support portion (left portion of 102) of a cover (102) and corresponding one end of the support portion are formed into round shape (shown in fig. 1), and the end of the rounded portions of the support portion and the main body have been arranged thereon operation units (116 and 120) that controls displaying data on the display panel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the NEC '720 device with the display apparatus taught by SanGiovanni for a better ergonomic fit.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEC '720 in view of Gray, and further in view of NEC 2000-69158(, hereon '158). NEC '720 as modified discloses the device as substantially claimed, except for the second axis is interlocked with a power switch of the portable display apparatus, and the power switch is turned on when the display portion rotates more than a predetermined angle. NEC '158 teaches a power switch (43) interlocked with an axis (13), which is turned on when the cover portion (12) rotates more than a predetermined angle (see paragraph [0012])

for power savings and user convenience. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of NEC'720 in view of Gray with the power switch taught, by NEC '158 to save power when not in use and for user convenience.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEC '720 in view of Gray, and further in view Sony Corp. (JP 2002-9907 A, hereon Sony). NEC '720 as modified disclose the device as claimed, except for the main surface of the main body has formed thereon a track pad that is a planate pointing device. Sony teaches a display apparatus (fig. 2) comprising a track pad (9) that is a planate pointing device being provided on a main surface of a main body (10) of the display apparatus for operational convenience. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of NEC '720 in view of Gray with the track pad taught by Sony for operational convenience.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (6:00-3:30) First Friday Off.

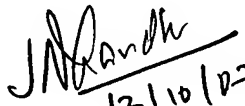
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 8, 2007
aqe


12/10/07
JAYPRAKASH GANDHI
SUPERVISORY PATENT EXAMINER